

Policy No. BCL00092 provided Lessors Risk coverage pursuant to certain terms and conditions for sixty-one (61) premises from October 21, 2016 to October 21, 2017 (“the Policy”). After Harvey, Plaintiff made claims on fifty-one (51) of the sixty-one (61) premises insured under the Policy.

2. On December 13, 2018, Plaintiff filed suit in Texas state court against Underwriters and independent adjuster, Vearl Wolverton. Plaintiff alleged causes of action for breach of contract, unfair settlement practices in violation of section 541 and failure to promptly pay claims in violation of section 542 of the Texas Insurance Code, violations of the Texas Deceptive Trade Practices Act, and breach of the duty of good faith and fair dealing against Underwriters. Underwriters then removed the lawsuit to federal court on the basis of diversity and amount in controversy.

3. The Parties exchanged written discovery and mediated the case on January 27, 2020. Although the mediation was unsuccessful, the Parties thereafter agreed to enter into the appraisal process for approximately 40 of the premises at issue.

4. This matter was abated by the Court on July 8, 2021, to allow the Parties time to complete the appraisal process. The appraisal process was completed on or about February 23, 2022.

II. STATUS REPORT

5. The Parties mediated this matter on June 17, 2022 with mediator Donald R. Philbin. Mediation successfully resolved all issues between the Parties. The Parties are in the process of finalizing the settlement, and anticipate being able to file dismissal papers with the Court within the next 30 days.

II.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff and Defendants pray that this Court accept the Joint Status Report, retain this matter on the docket, and other and further relief, both at law and in equity, to which they are justly entitled.

Respectfully submitted,

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By: /s/ Wes Holland (with permission)

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CERTAIN UNDERWRITERS AT LLOYD'S,
LONDON SUBSCRIBING TO POLICY NO.
BCL00092 AND VEARL WOLVERTON**

CERTIFICATE OF SERVICE

I hereby certify that, on the 14th day of July 2022, a true and correct copy of the above and foregoing has been served by:

☐certified mail, return receipt requested; ☐overnight delivery; ☐hand delivery; ☐United States first class mail; ☐facsimile transmission; ☒electronic transmission on the following counsel:

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